IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

LA. App. No. 276 of 2007

LAR. 323/1999 of SUB COURT, KOZHIKODE
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APPELLANT/RESPONDENT:

THE SPECIAL TAHSILDAR, LA (NH-II),
KOZHIKODE.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/CLAIMANTS:
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1. **ASARIKANDY SAROJINI AMMA, ASARIKANDY HOUSE, P.O VENGERI.**
2. **ASARIKANDY SAHADEVAN, ASARIKANDY HOUSE, P.O VENGERI.**
3. **ASARIKANDY LEELAVATHI, ASARIKANDY HOUSE, P.O VENGERI.**
4. **ASARIKANDY LINESH KUMAR, ASARIKANDY HOUSE,P.O VENGERI.**
5. **ASARIKANDY LIJEESH KUMAR (MINOR), REPRESENTED BY SAROJINI AMMA,(MOTHER), ASARIKANDY HOUSE,P.O VENGERI.**
6. **ASARIKANDY LETHEESH KUMAR (MINOR), REPRESENTED BY SAROJINI AMMA (MOTHER) ASARIKANDY HOUSE,P.O VENGERI.**

BY ADV. SRI. JACOB ABRAHAM

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

L.A. App. No. 276 OF 2007

Dated this the 4th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 323/1999 on the file of Sub Court, Kozhikode. Acquisition is for the purpose of Calicut bye pass. Section 4(1) notification is dated 24.12.1993. Land Acquisition Court has fixed the compensation at the rate of Rs. 23,000/- per cent. Aggrieved by the same, this appeal is filed by the State.

2. The acquired property is situated near to Kozhikode-Balussery road and the property is connected by mud road. Within 1 K.M there is vegetable market, Women's Polytechnic, Civil Station, Homoeo College etc. The Reference Court found that the importance of the locality has not been effectively challenged by the respondents. It was admitted that the same situation was noted by the Land Acquisition Officer also. The Reference Court also found that the property involved in the acquisition is similar to one covered by the common judgment in

L.A.R. No. 499/1997 and connected cases where the value fixed is at the rate of Rs. 30,000/- per cent. It is submitted that the said value has become final. In that view of the matter, the value awarded at the rate of Rs. 23,000/- per cent by the Reference Court is only just and proper. There is no merit in the appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp